

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MARQUES EARL HARRIS,

Plaintiff,

v.

Case No. 25-cv-0140-bhl

NICK STACHULA et al.,

Defendants.

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**DECISION AND ORDER**

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Plaintiff Marques Earl Harris, who is currently serving a state prison sentence at the Lincoln County Jail and representing himself, is proceeding on Fourth Amendment claims in connection with his arrest and the search of his home. *See* Dkt. No. 8. On May 2, 2025, Defendants filed a motion to stay the proceedings pending disposition of Harris’ appeal of his criminal conviction in Milwaukee County Case No. 2024CF0505. Dkt. No. 17. Defendants explain that Harris filed numerous motions to suppress in his criminal case, all of which were denied. After the judgment of conviction was entered on November 11, 2024, Harris filed a notice of intent to pursue post-conviction relief and a notice of appeal. On April 29, 2025, the Wisconsin Court of Appeals granted Harris permission to proceed without payment of the filing fee.

Harris, whose criminal conviction is currently under appeal, seeks damages for injuries allegedly caused by Defendants’ warrantless search of his apartment and his arrest. The Court concludes that, as the Seventh Circuit observed in a case with substantially similar facts, “the potential for federal-state friction is obvious,” so the policy against federal interference with pending state proceedings would be frustrated if Harris were to prevail in this action before the state appellate proceedings resolve. *Simpson v. Rowan*, 73 F.3d 134, 138 (7th Cir. 1995).

Accordingly, the Court must abstain from deciding the federal constitutional claims in this action until Harris' criminal case works its way through the state appellate process. *See id.*; *Younger v. Harris*, 401 U.S. 37, 53 (1971). The Court will therefore grant Defendants' motion for an order staying this action pending resolution of Harris' pending criminal appeal.

**IT IS THEREFORE ORDERED** that Defendants' motion to stay proceedings (Dkt. No. 17) is **GRANTED** pending resolution of the state court proceedings for Milwaukee County Case No. 2024CF0505. State court proceedings include post-conviction motions and other appellate relief.

The clerk's office is directed to **ADMINISTRATIVELY COSE** this case. It is Harris' responsibility to file a motion to reopen the case and lift the stay withing **sixty days** after all state court proceedings have resolved. Failure to timely move to reopen the case will result in dismissal of this action under Civil L. R. 41(c).

Dated at Milwaukee, Wisconsin on May 9, 2025.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge